

COMMITTEE REPORT.

By unanimous consent, the following committee report was made to the Senate:

Committee Room,
Austin, Texas, January 31, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 118, being a bill to be entitled "An Act to authorize the sale and release of all the interest which the State of Texas or the Confederate Home, situated in the city of Austin, or either of them, acquired under the last will of J. E. Allen, deceased, late of Hunt county, Texas, to certain lands situated in said county, Texas,"

And find the same correctly engrossed.
BEATY, Chairman.

Action recurring on the amendment offered by Senator Goss to the amendment offered by Senator Staples to Senate bill No. 25 (Libel Bill),

Senator Patterson moved to adjourn until 10 o'clock a. m. tomorrow.

At 12:25 o'clock p. m., the Senate did accordingly adjourn by the following vote:

Yeas—15.

Beaty.	Lloyd.
Davidson of	McGee.
DeWitt.	Neal.
Dibrell.	Patterson.
Grinnan.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Turney.
Johnson.	Wayland.

Nays—14.

Davidson of	Potter.
Galveston.	Stafford.
Goss.	Staples.
Harris of Hunt.	Swann.
Lipscomb.	Wheeler.
Miller.	Wilson.
Odell.	Yett.
Paulus.	

Absent.

Turner.

Absent—Excused.

James.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Tex., Friday, Feb. 1, 1901.

Senate met pursuant to adjournment.
Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—29.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
McGee.	Yett.
Miller.	

Absent—1.

Stafford.

Absent—Excused.

James.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

PETITIONS AND MEMORIALS.

Senator Lipscomb presented to the Senate a memorial from a large number of people of Harris county, Texas, asking the remission of all State taxes for the year 1900, owing to the damage done by the storm during the month of September of that year.

Read, and referred to Committee on State Affairs.

COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,
Austin, Texas, February 1, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 133, being a bill to be entitled "An Act providing for the location and establishment of additional State agricultural experiment stations under the direction and control of the Agricultural and Mechanical College of Texas, and defining the object of such stations; describing how they shall be located, and appropriating thirty thousand (30,000) dollars for the purpose of carrying the act into effect,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

SWANN, Chairman.

Committee Room,
Austin, Texas, January 31, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Public Health, to whom was referred

Senate bill No. 67, being a bill to be entitled "An Act for the protection of the public health in the State of Texas, and to regulate the manufacture and sale of food products and compounds, and provide a penalty for violation of the same, and to empower the State Board of Health of the State of Texas to enforce the same by proper officers,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*.

LLOYD, Chairman.

Committee Room,
Austin, Texas, January 31, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Public Health, to whom was referred

Senate bill No. 121, being a bill to be entitled "An Act to prevent the dissemination of smallpox and other contagious diseases; to provide notice of same to proper authorities; making it a penal offense for any person to violate this act, and to provide penalty therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

LLOYD, Chairman.

Committee Room,
Austin, Texas, January 31, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Labor, to whom was referred

Senate bill No. 102, being a bill to be entitled "An Act to facilitate the settlement of disputes and disagreements between corporations employing workers who are members of industrial unions, as herein defined, and their employes, by means of legal arbitration; creating a court to be known as the "Court of Arbitration of Texas"; providing for the appointment of judges of said court, and prescribing their qualifications; defining the powers and jurisdiction of the court, and regulating its proceedings; provid-

ing for the registry and incorporation of industrial unions for the purposes of this act; providing for reference of disputes and disagreements between corporations employing workers who are members of industrial unions and their employes to the court for legal arbitration, and providing for the manner of making and enforcement of awards by said court,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAPLES, Chairman.

Committee Room,
Austin, Texas, January 31, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 123, being a bill to be entitled "An Act to amend Chapter 2, of Title LXVI, of the Revised Statutes of Texas, relating to liens of mechanics, builders and material men,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, January 31, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 122, being a bill to be entitled "An Act to amend Article 1276, Chapter 10, Title XXX, of the Revised Civil Statutes of the State of Texas, relating to continuances,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, January 31, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 120, being a bill to be entitled "An Act to fix fees of clerks of the county court for filing and registering chattel mortgages, and for entering satisfaction of same, and to repeal all laws and parts of laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it *do* pass.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, January 31, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 92, being a bill to be entitled "An Act to amend Title LVII, of the Revised Civil Statutes of the State of Texas, by adding to said title an article to be known as Article 3026a, providing for the survival of causes of action in case of injuries resulting in death where the wrong-doer dies before the suit is instituted,"

Have had the same under consideration; and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

STAFFORD, Chairman.

MAJORITY REPORT.

Committee Room,
Austin, Texas, January 31, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: A majority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 7, being a bill to be entitled "An Act to provide for the sale of real estate under mortgage, deed of trust or other lien, and to provide for the sale of land under execution, and for the appraisement of land sold under mortgage, deed of trust, execution or other lien,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

STAFFORD, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, January 31, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: A minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 7, being a bill to be entitled "An Act to provide for the sale of real estate under mortgage, deed of trust or other lien, and to provide for the sale of land under execution, and for the appraisement of land sold under mortgage, deed of trust, execution or other lien,"

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it *do not* pass, but that the following substitute bill pass in lieu thereof.

WHEELER.

"Substitute by striking out all after enacting clause, and inserting the following:

"Section 1. That hereafter when any land is advertised for sale under execution, order of sale or other process of court, or under mortgage, deed of trust or other lien, in this State, the owner or one of them, if more than one, may make demand in writing of the officer or trustee who has advertised the same for an appraisement of the said land. Said demand shall be made at least five days before the day of sale, and when such demand is made said officer or trustee shall proceed at once to make the appraisement in the manner hereinafter provided. And if no appraisement is made after demand, as above provided, or said lands on such sales shall not bring as much as one-half of its appraised value, then no title shall pass by such sale.

"Sec. 2. Whenever demand is made, as provided in Section 1 of this act, the sheriff or other officer of whom the demand is made shall proceed at once to summons two disinterested freeholders of his county, who, with such officer, shall proceed at once to appraise said land at its actual cash value. Said appraisement shall be made in writing and under oath, and the written demand and the appraisement shall be made and shall constitute a part of such officer's return of the writ by virtue of which the sale was made.

"Sec. 3. Whenever any land is advertised for sale by a trustee of any mortgage or deed of trust, and demand for appraisement is made as provided in Section 1 of this act, the said trustee shall at once deliver such demand to the sheriff of the county in which the sale is to be made, who shall proceed at once to appraise said land in the same manner as prescribed in Section 2 of this act, and shall deliver the demand and appraisement to said trustee on or before the day of the sale; provided, that in case the trustee advertising the land for sale does not reside in the county in which the said sale is to be made, then the demand for appraisement may be made direct to the sheriff of the county, who shall proceed in the same manner as if the demand had been delivered to him by the trustee; and provided further, that in case the sheriff or one of his deputies be trustee advertising the

same, then the appraisement shall be made by a constable of said county. The demand and the appraisement shall be attached to and be recorded as a part of the deed made by said trustee.

"Sec. 4. This act shall not in any way affect the titles to lands sold under any execution, order of sale or any other process of court, or under any mortgage, deed of trust or other liens, unless demand is made for appraisement in a manner prescribed in Section 1 of this act.

"Sec. 5. No particular form of demand for appraisement shall be required and no description of the land shall be necessary in such demand further than to describe in general terms sufficient to show the identity of the land.

"Sec. 6. The sheriff or other officer making the appraisement required by this act, and each of the appraisers, shall be allowed the sum of two (2) dollars per day for each day necessarily required for making such appraisement."

Committee Room,

Austin, Texas, January 31, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 5, being a bill to be entitled "An Act to provide for the redemption of real estate sold for debt,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

(President Pro Tem. Miller in the chair.)

BILLS AND RESOLUTIONS.

By Senator Savage:

Senate bill No. 138, A bill to be entitled "An Act to amend Article 2957, Chapter 1, Title LV, of the Revised Statutes of the State of Texas."

Read first time, and referred to Committee on State Affairs.

By Senator Harris of Bexar:

Senate bill No. 139, A bill to be entitled "An Act to amend Article 3917, Revised Statutes, defining the duties of county judges; county, city and town superintendents; county and city treasurers, and treasurers of school boards, and other school officers and teachers in the matter of making reports to the Department of Education, and imposing penalties for the non-performance of these duties."

Read first time, and referred to Committee on Education.

By Senator Davidson of Galveston:

Senate bill No. 140, A bill to be entitled "An Act to amend Articles 529, 529e and 529g, and repealing Article 529l, of Chapter 56, of the General Laws of the State of Texas of 1899, and adding Articles 529v and 529w to Chapter 5, Title XIII, of the Revised Penal Code of the State of Texas of 1895; and amending Article 529s, of Chapter 98, of the General Laws of the State of Texas of 1897, relating to the offenses for the protection of fish, birds, game, etc., and repealing all laws in conflict herewith."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Dibrell, Patterson, Stafford and Johnson:

Senate bill No. 141, A bill to be entitled "An Act to provide for the execution in marble of the models of Sam Houston and Stephen F. Austin, donated to the State by the celebrated artist Elizabet Ney, and make an appropriation therefor; and to provide for placing such statues in the capitol of the State."

Read first time, and referred to Committee on Finance.

By Senator Dibrell:

Senate bill No. 142, A bill to be entitled "An Act to provide for the organization, control, management and active operation of the Southwest Texas Normal School, located at San Marcos, Hays county, Texas; the control and improvement of the grounds belonging to the same; the erection of the necessary buildings for said school; furniture for the same; water, lighting and heating of said buildings, and appropriating money for those purposes."

Read first time, and referred to Committee on Education.

By Senator Hanger:

Senate bill No. 143, A bill to be entitled "An Act to create a more efficient road system for the counties in this State, and making county commissioners ex-officio road commissioners and prescribing their powers and duties as such; and providing for their compensation as such road commissioners; and providing for the condemning of material for the construction and maintenance of public roads, and to provide the compensation for the material used; and providing for the working of county convicts on the public roads, and the purchase of supplies for such convicts, and rewards for the capture of escaped county convicts, and for commutation of sentence for faithful service and good behavior; and defining the powers and duties of road overseers, and to provide for the summoning of hands and teams for road

work, and the allowance of time for service of hands and teams on public roads, and fixing a penalty for violation of same, and relieving them from the payment of such work by the payment of three dollars; and providing further, making this act cumulative of the General Laws now in force, and to repeal all laws in conflict with this act, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

Senator Davidson of Galveston offered the following joint resolution:

Senate Concurrent Resolution No. 5:

Whereas, A large area of the coast section of Texas, including and adjoining the city of Galveston, was on September 8, 1900, visited by a hurricane of unparalleled severity, causing the death of thousands of persons and the loss of many millions of property; and

Whereas, A sympathetic world, including all lands and all civilized peoples, made prompt and generous contributions of money, food, clothing, supplies and service, to the end that hunger was appeased, nakedness covered, shelter provided, and comfort afforded, whereby a brave people were sustained in their distress and inspired to efforts of recovery and rehabilitation; therefore be it

Resolved, That the Senate and House of Representatives of the State of Texas recognize and applaud these acts of charity and mercy, and in the name of the State and of the stricken people, hereby express their lasting gratitude.

Resolution was read second time, and adopted.

The Chair declared the morning call concluded.

EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,
STATE OF TEXAS.

Austin, January 31, 1901.

To the Senate:

The advice and consent of the Senate is asked to the appointment of the following as members of the Board of Regents, State University:

G. W. Brackenridge, of Baxer county.

T. W. Gregory, of Travis county.

H. M. Garwood, of Fayette county.

Beauregard Bryan, of Washington county.

T. S. Henderson, of Milam county.

R. E. Cowart, of Dallas county.

H. B. Marsh, of Smith county.

F. M. Spencer, of Galveston county.

For Clerk of the Criminal District Court of Harris county:

Oscar E. Reynaud, of Harris county.

JOSEPH D. SAYERS,
Governor.

TIME SET FOR EXECUTIVE SESSION.

The Chair then laid the foregoing message before the Senate, and

On motion of Senator Hanger, the hour of 11 o'clock a. m. Tuesday, February 5th, was designated as the time when the Senate would go into executive session to consider the Governor's nominations.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, February 1, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has corrected Senate bill No. 11, and it is hereby returned to the Senate.

LEE J. ROUNTREE,
Chief Clerk House of Representatives.

SENATE BILLS ON SECOND READING—SENATE BILL NO. 110.

On motion of Senator Patterson, pending business, Senate bill No. 25, was suspended and the Senate took up, out of its order,

Senate bill No. 110, A bill to be entitled "An Act authorizing an association or private corporation, incorporated for school purposes, to sell or donate the property owned by said association or corporation to the trustees of the public free school in the community or district in which said property is situated, and prescribing the mode of conveying the same."

The Chair then laid the bill before the Senate, on its second reading.

Bill was read second time, and ordered engrossed.

SENATE BILLS ON THIRD READING—SENATE BILL NO. 61.

On motion of Senator Stafford, the pending business was suspended and the Senate took up, out of its order,

Senate bill No. 61, A bill to be entitled "An Act to regulate primary elections and conventions; to prescribe the manner of holding the same, making returns, declaring the results and for regulating illegal practices therein; and to prescribe the conditions of participating therein."

The Chair then laid the bill before the Senate, on its third reading.

Bill was read third time, and passed, and

Senator Stafford moved to reconsider the vote by which the bill was passed and lay that motion on the table.

Motion to table prevailed.

PENDING BUSINESS (LIBEL BILL)
—SENATE BILL NO. 25.

The Chair then laid before the Senate, pending business (libel bill), Senate bill No. 25, action being on engrossment, with the following pending amendment by Senator Goss to the amendment offered by Senator Staples:

"Amend Staples' amendment by inserting after the word 'privileged,' in Section 2, the following: 'And in suits based upon the publication of privileged matter, the defendant shall not be liable for damages in case it is proven on the trial that he was not actuated by malice.'"

RECESS.

(Lieutenant-Governor Browning in the chair.)

Pending action on the foregoing amendment to the amendment, the Chair, by unanimous consent, declared a brief recess for the purpose of listening to General Stephen D. Lee, of Mississippi.

At conclusion of General Lee's address the Senate resumed consideration of

PENDING BUSINESS (LIBEL BILL)
—SENATE BILL NO. 25.

(President Pro Tem. Miller in the chair.)

Action recurring on the amendment by Senator Goss to the amendment by Senator Staples,

Senator Harris of Hunt offered the following substitute for the amendment to the amendment offered by Senator Goss:

"Add after the word 'privileged,' in Section 2: 'And in suits based upon the publication of privileged matter the defendant shall not be liable for damages unless it is proven on the trial that he was actuated by malice.'"

Both amendment and substitute were withdrawn respectively by Senators Goss and Harris of Hunt.

Senator Stafford then moved to reconsider the vote by which the amendment offered by Senator Hanger, on yesterday (page 157, Journal of January 31st), was adopted.

The amendment sought to be reconsidered reads as follows:

"Amend the amendment by striking

10—Senate.

out all of Section 2 after the word 'privileged' and ending with the word 'malice.'"

Motion to reconsider prevailed by the following vote:

Yeas—16.

Davidson of	Potter.
DeWitt.	Stafford.
Davidson of	Staples.
Galveston.	Swann.
Dibrell.	Turner.
Grinnan.	Wayland.
Harris of Hunt.	Wheeler.
Lipscomb.	Wilson.
Paulus.	Yett.

Nays—11.

Beaty.	Miller.
Goss.	Odell.
Hanger.	Patterson.
Johnson.	Savage.
Lloyd.	Sebastian.
McGee.	

Absent.

Harris of Bexar.	Turney.
Neal.	

Absent—Excused.

James.

Action recurring on the amendment to the amendment offered by Senator Hanger, the same was lost by the following vote:

Yeas—8.

Davidson of	Miller.
DeWitt.	Patterson.
Hanger.	Savage.
Lloyd.	Sebastian.
McGee.	

Nays—18.

Davidson of	Stafford.
Galveston.	Staples.
Dibrell.	Swann.
Goss.	Turner.
Harris of Bexar.	Turney.
Harris of Hunt.	Wayland.
Lipscomb.	Wheeler.
Neal.	Wilson.
Paulus.	Yett.
Potter.	

Absent.

Beaty.	Johnson.
Grinnan.	Odell.
James.	

Absent—Excused.

Senator Hanger offered the following amendment to the amendment:

"Amend the amendment by striking out the words 'special pecuniary damages,' and inserting in lieu thereof the words 'actual damages.'"

Amendment to the amendment was read, and adopted.

(Lieutenant-Governor Browning in the chair.)

Action recurring on the amendment by Senator Staples as amended,

Senator Sebastian moved to recommit the bill and pending amendment to Judiciary Committee No. 1 for the purpose of further investigation.

Senator Staples moved to table the motion of Senator Sebastian.

Motion to table was lost by the following tie vote, the Chair voting in the negative:

Yeas—14.

Davidson of	Staples.
Galveston.	Swann.
Dibrell.	Turner.
Goss.	Wayland.
Harris of Bexar.	Wheeler.
Lipscomb.	Wilson.
Paulus.	Yett.
Stafford.	

Nays—15.

Mr. President.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Patterson.
Grinnan.	Potter.
Hanger.	Savage.
Johnson.	Sebastian.
Lloyd.	Turney.
McGee.	

Absent.

Harris of Hunt.

Absent—Excused.

James.

Action recurring on the motion of Senator Sebastian to recommit the bill to Judiciary Committee No. 1, the same was lost by the following vote:

Yeas—13.

Beaty.	McGee.
Davidson of	Miller.
DeWitt.	Neal.
Grinnan.	Patterson.
Hanger.	Savage.
Johnson.	Sebastian.
Lloyd.	Turney.

Nays—16.

Davidson of	Stafford.
Galveston.	Staples.
Dibrell.	Swann.
Goss.	Turner.
Harris of Bexar.	Wayland.
Harris of Hunt.	Wheeler.
Lipscomb.	Wilson.
Paulus.	Yett.
Potter.	

Absent.

Odell.

Absent—Excused.

James.

On motion of Senator Miller, further consideration of the bill was postponed until Tuesday morning, February 5, at 11:30 o'clock a. m., and was made a special order for that hour.

At the suggestion of Senator Miller, the bill as now amended was ordered printed in this day's journal (see end of today's proceedings).

COMMITTEE REPORTS.

By unanimous consent, the following committee reports were made to the Senate:

Committee Room,
Austin, Texas, February 1, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 22, being a bill to be entitled "An Act to provide for the incorporation of mutual fire insurance companies, and defining their powers and duties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

McGEE, Chairman.

Committee Room,
Austin, Texas, February 1, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 126, being a bill to be entitled "An Act to amend Article 1443, of Chapter 20, of Title XXX, of the Revised Civil Statutes of 1895, of the State of Texas, so as to relieve boards of school trustees of the public school districts of this State, as well as executors, administrators and guardians appointed by the courts of this State, from the requirement of giving security of costs and for appeal and writ of error in suits and legal proceedings to which they may be parties in their judiciary character, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

Floor report.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, February 1, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Asylums, to whom was referred

Senate Concurrent Resolution No. 4, A resolution to empower the Governor of Texas and the Board of Managers of the Southwestern Insane Asylum to contract for water for use of asylum,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Floor report.

YETT, Chairman.

Committee Room,
Austin, Texas, February 1, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 110, being a bill to be entitled "An Act authorizing an association or private corporation, incorporated for school purposes, to sell or donate the property owned by said association or corporation to the trustees of the public free school in the community or district in which said property is situated, and prescribing the mode of conveying the same,"

And find the same correctly engrossed.
BEATY, Chairman.

SENATE BILL CALLED UP—SENATE BILL NO. 16.

Senator Davidson of Galveston called up from the table, on its final passage,

Senate bill No. 16, A bill to be entitled "An Act to amend Article 4445, of the Revised Civil Statutes of the State of Texas, and to authorize railroad corporations to acquire right of way for the purpose of shortening the line or reducing the grades, and to acquire land for reservoirs for water supply, and to provide that the limitation of width prescribed in Article 4425 of the Revised Civil Statutes of the State of Texas shall apply only to real estate acquired for right of way, and to provide that real estate, or any interest therein, that may be acquired for any purpose other than right of way need not adjoin or abut on the right of way."

The Chair then laid the bill before the Senate, on its final passage, and

Senator Davidson of Galveston offered the following amendment:

"Amend after the word 'an,' in line

7, Section 2, the words 'emergency and.'"

Amendment was read, and adopted.

Senator Savage offered the following amendment:

"Strike out the words 'need not,' in line 32, page 1 of the printed bill, and insert in lieu thereof the word 'shall.' Strike out in the caption of the bill, in line 13 of the printed bill, the words 'need not,' and insert in lieu thereof the word 'shall.'"

Senator Davidson of Galveston moved to table the foregoing amendment.

Motion to table prevailed.

Senator Grinnan offered the following amendment:

"Amend by adding to Section 1 the following: 'Provided further, that this shall not authorize the acquisition of any lands for reservoir for water supply when such land or the water thereon is used by the owner of such land in connection with his home or any business conducted thereon by the owner.'"

Amendment was read, and lost by the following vote:

Yeas—9.

Davidson of	Lloyd.
DeWitt.	Savage.
Grinnan.	Swann.
Harris of Bexar.	Wayland.
Harris of Hunt.	Wheeler.

Nays—19.

Beaty.	Odell.
Davidson of	Patterson.
Galveston.	Paulus.
Dibrell.	Potter.
Goss.	Sebastian.
Johnson.	Stafford.
Lipscomb.	Staples.
McGee.	Turner.
Miller.	Turney.
Neal.	Yett.

Absent.

Hanger.

Absent—Excused.

James.

Senator Swann offered the following amendment:

"Amend by adding to Section 1 of said bill the following: 'And provided further, that if the land sought to be condemned by said railroad company covers the only well, spring, or tank of the owner of said land, then said railroad company shall pay double the amount of actual damages assessed.'"

Amendment was read, and lost.

Bill was then passed by the following vote:

Yeas—24.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Sebastian.
Goss.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
McGee.	Yett.

Nays—5.

Grinnan.	Savage.
Lloyd.	Swann.
Odell.	

Absent.

Wilson.

Absent—Excused.

James.

Senator Davidson of Galveston moved to reconsider the vote by which the bill was passed and lay that motion on the table.

Motion to table prevailed.

COMMITTEE REPORT.

By unanimous consent, the following committee report was made to the Senate:

Committee Room,
Austin, Texas, January 31, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 100, being a bill to be entitled "An Act for the relief of Mary W. Batchelor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

BILLS AND RESOLUTIONS SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 76, "An Act to restore and confer upon the county court of Stonewall county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of

holding court, and to repeal all laws in conflict with this act."

Senate bill No. 34, "An Act to appropriate the sum of \$225 for the use of the General Land Office to purchase stamps to enable said office to conduct business for the remainder of the year ending February 28, 1901."

Also House Concurrent Resolution No. 2, Providing for the appointment of a committee to investigate the condition of storm sufferers of Galveston and other counties.

House Concurrent Resolution No. 9, Thanking all those who contributed to the relief of the sufferers on the Texas coast in consequence of the storm of September 8, 1900.

House Concurrent Resolution No. 8, Thanking the Red Cross Society and Miss Clara Barton for their relief to the sufferers on the Texas coast in consequence of the storm of September 8, 1900.

On motion of Senator Sebastian, the Senate, at 12:20 o'clock p. m., adjourned until Tuesday, February 5th, 1901, 10 o'clock a. m.

SENATE BILL NO. 25 (LIBEL BILL).

Senate bill No. 25, A bill to be entitled "An Act to define civil libel, slander and defamation of character; defining privileged communications; providing for rules of evidence therein."

Be it enacted by the Legislature of the State of Texas:

Section 1. That a libel is a malicious defamation expressed in print or writing, or by sign and pictures or drawings, tending to blacken the memory of the dead, with an intention to provoke the living or to injure the reputation of one who is alive, and thereby expose him to public hatred, contempt or ridicule or financial injury, or to impeach the honesty, integrity or virtue or reputation of any one, or to publish the natural defects of one who is alive and thereby expose such person to public hatred, ridicule or financial injury.

Sec. 2. In any action for damages brought for the publication of a libel in any newspaper or periodical devoted to the publication of general news, science, literature or any character of reading matter, the plaintiff shall recover only such actual damages as may be shown to have been suffered by him because thereof, if it shall appear on the trial of such action that such publication was made in good faith, and that there were reasonable grounds for believing that the statements set forth in such alleged

libelous publication were true, and that its falsity was due to mistake or misapprehension of the facts, and that in the next regular issue of said newspaper or periodical after such mistake or misapprehension was brought to the knowledge of the publisher or publishers thereof, a correction or retraction was published in as conspicuous a manner and place in said newspaper or periodical as was the libel.

Sec. 3. The publication of the following matters by any newspaper or periodical, as defined in Section 1, shall be deemed privileged, and shall not be made the basis of any action for libel without proof of actual malice:

First. A fair and true report of any executive, judicial, legislative, constabulary, police or other official proceedings or action, or anything said or done in the course thereof.

(Second. A fair and true report of public meetings.

Third. Reasonable and fair comment and criticism upon matters of public concern, and the official acts of public officials, published for general information.

Sec. 4. On the trial of any such action for libel the defendant may give in evidence, under the general issue, in mitigation of damages, the circumstances and intention under which such publication was made, and any public apology, correction or retraction of the libel complained of made and published by him.

Sec. 5. This act shall not effect, alter or repeal the Penal Code or laws of this State in cases of libel.

Sec. 6. The fact that there is now no law in this State defining libel and privileged publications creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

EXPLANATION.

Senate bill No. 25 was introduced January 11, read first time, and referred to Judiciary Committee No. 1, and

January 17 was reported back to the Senate with majority favorable and minority unfavorable committee reports.

January 23, bill was read second time, and amendment offered by Senator Staples (see Journal, January 23), and bill and amendment were laid on the table subject to call.

January 29, called up and postponed until January 31, and made special order for after the morning call.

January 31, taken up, amended, going over by reason of adjournment until

February 1, when consideration was resumed, the bill further amended, and postponed for special order February 5, 11:30 o'clock a. m.

EIGHTEENTH DAY.

Senate Chamber,

Austin, Tex., Tuesday, Feb. 5, 1901.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—29.

Beaty.	Neal.
Davidson of	Patterson.
DeWitt.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Grinnan.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Johnson.	Wheeler.
Lipscomb.	Wilson.
McGee.	Yett.
Miller.	

Absent—2.

Lloyd. Odell.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of last Friday,

On motion of Senator Turner, the same was dispensed with.

PETITIONS AND MEMORIALS.

Senator Harris of Hunt presented a petition from citizens of Celeste, Texas, praying for an amendment to the present local option law, so that shipments of liquors by express shall become bona fide sales upon delivery.

Read, and referred to Judiciary Committee No. 2.

Senator Miller presented a petition from teachers of Rockwall county, asking the passage of a bill relieving from further examination those teachers who have held certificates of competency for fifteen years.

Read, and referred to Committee on Education.

The Chair laid before the Senate petitions from the citizens of Austin; from